

APPROVED: Meeting No. 01-90

ATTEST: *Sharon A. Gran*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
Meeting No. 51-89

December 18, 1989

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, Maryland Avenue at Vinson Street, Rockville, Maryland, on December 18, 1989, at 7:30 p.m.

PRESENT

Councilmember James F. Coyle (Mayor Pro Tem)

Councilmember Viola D. Hovsepian

Councilmember James T. Marrinan

Councilmember David Robbins

ABSENT

Mayor Douglas M. Duncan (Sick Leave)

In attendance: City Manager Bruce Romer, City Clerk Sharon Gran and City Attorney Paul Glasgow.

Re: City Manager's Report

1. Regarding the cable coverage of the Mayor and Council meeting, it was noted that the public has not been made aware of the items on the Consent Agenda. Beginning tonight, between 7:00 and 7:30 p.m., and on each General Session meeting night, the Consent Agenda items will appear as a crawl across the screen listing the various Consent Agenda items.

2. Channel 53 will be broadcasting replays of The Nutcracker beginning Wednesday, December 20, through December 24.

3. Last Thursday, there was a major incident on I-270 impacting the City of Rockville. The City's emergency management team was activated at 8:00 p.m. and included the City Manager, the Chief of Police, the Public Works Director, the Recreation and

Meeting No. 51-89

2

December 18, 1989

Parks Director and the Assistant City Manager. Every aspect of involvement and implementation worked very well. The final decisions were made by the Maryland State Police and the County Fire Department. Evacuation of 100 homes went very smoothly with a majority of the evacuees being sheltered at Wootton High School. By 10:30 p.m., 33 of the City's police officers were on duty assisting with traffic control and other support services.

Councilmember Coyle noted that the Public Safety Committee of COG is moving efforts to ban trucks on the beltway and I-270 during rush hour and is working to resolve the problem of tracking hazardous materials being transported.

Councilmember Marrinan commended the City workers for responding effectively but noted that there are a number of unanswered questions. A report to the citizens of Rockville on this incident is appropriate. The City Manager responded that such a report will be forthcoming.

4. Repairs to the Scott Drive bridge were not accomplished as planned. The bridge is still open to traffic, and the repairs will be undertaken as soon as possible.

5. Follow-up information regarding the sidewalk on Falls Road and the right turn lane at Route 355 and Congressional Lane was provided in last week's FYI.

6. The Police Department has initiated a "Business Watch" program and, along with the Explorers, police officers will be obtaining emergency information from the businesses to be maintained in a data bank.

7. The 1990 bond sale, for \$10 million in General Obligation bonds, has been set for February 6, requiring a special meeting of the Mayor and Council on that date.

Re: Presentation of trophies to
player-members of the
Intermediate Division in the
Rockville Football League.
The 1989 Champions and Runner-
ups will be honored.

John Shelton, coach of the Runner-up team, the Raiders, introduced the individual players who were presented with a trophy and certificate by the Council. He also introduced his assistant, Bobby Israel.

The Champion team is the Redskins coached by Mike Donaldson and Assistants Mike Dubrasky, Eric Nevel and Mike Coleman. Mr. Donaldson introduced the individual players of the Redskins team who were each presented with a trophy and certificate by the Council.

Re: Appointments

Upon motion of Councilmember Hovsepien, duly seconded and unanimously passed, Robert Jaynes was appointed to a one-year term as Chairperson of the City-to-City Task Force.

Upon motion of Councilmember Hovsepien, duly seconded and unanimously passed, James Vitol was reappointed to a five-year term on the Planning Commission.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Eve Grover was reappointed to a two-year term on the Retirement and Disability Board.

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, Estelle Berberian was reappointed to a three-year term on the Senior Citizens Commission.

Re: Consent Agenda

Councilmember Hovsepien asked to have items L and M removed from the Consent Agenda. These items involve the introduction of a Moderately Priced Dwelling Unit Ordinance in the City of Rockville, and it was agreed that the items should be deferred until such time as the Council has had the opportunity to hold a worksession regarding this matter. Following discussion, it was agreed that Items J and K which deal with tenant displacement would also be removed from the Consent Agenda and deferred until such time as the MPDU ordinance is re-introduced.

- E. Submission of the City financial reports for the months of October and November, 1989.

Meeting No. 51-89

4

December 18, 1989

Councilmember Robbins asked to have Item E removed from the Consent Agenda as he had trouble interpreting conclusions from the information provided. The City Manager responded that other than comments noted in the reports, the financial picture remains about the same.

Councilmember Marrinan asked about the \$250,000 UMTA grant and if there is a contingency plan in the event it is not funded. The City Manager responded that the City has been attempting to receive this grant for 12 months and no expenses will be incurred by the City for this program until the grant is funded.

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, the City financial reports for the months of October and November were received.

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, the following Consent Agenda Items were approved:

- A. Approval of waiver for on-site Storm Water Management for the property at Montgomery College Campus in the Watts Branch drainage area, and acceptance of a \$13,200 contribution for the off-site SWM fund.

The developer, Montgomery College, plans the construction of an asphalt paved area to the rear side of the existing carpentry shop.

- B. Approval of waiver for on-site Storm Water Management for the property on W. Edmonston Drive at the entrance to Wintergreen Shopping Center in the Cabin John drainage area, and acceptance of a \$27,600 contribution for the off-site SWM fund.

The developer, Gingery Development Group, plans the construction of four two-story townhouse offices and a parking lot.

- C. Approval of waiver for on-site Storm Water Management for the property at Reading Avenue and Grandin Avenue

in Rockville Park, Lot 19, Block 2, in the Rock Creek drainage area, and acceptance of a \$2,800 contribution for the off-site SWM fund.

The developer, Ghassem Rezakhanlou, plans the construction of a two-story single family house with an attached garage.

- D. Approval of an Easement Grant from the Mayor and Council to the Latvian Evangelical Lutheran Church through a tract of City-owned land.

The purpose of the easement is to provide space for the installation of a water main and electric service to serve the proposed "Home for the Elderly" located at 400 Hurley Avenue.

- F. Introduction of Resolution to enlarge the corporate boundaries of the City of Rockville to include 36.43735 acres of land, more or less, of the Ward Corporation and The Mayor and Council of Rockville (X-108-89)

This property is located on Southlawn Court, including part of Red Gate Golf Course.

- G. Adoption of Resolution to provide for public hearing in connection with the annexation of 36.43735 acres of land, more or less, of the Ward Corporation and The Mayor and Council of Rockville (X-108-89).

Resolution No. 36-89

This property is located on Southlawn Court, including part of Red Gate Golf Course. Resolution No. 36-89, the full text of which can be found in Resolution Book No. 9 of the Mayor and Council, was adopted to establish a hearing date of March 19, 1990, in connection with Annexation Petition No. X-108-89.

- H. Preliminary Review - Text Amendment Application T-103-89, Miller, Miller & Canby, Attorneys for McDonald's Corporation, Applicant.

Meeting No. 51-89

6

December 18, 1989

Amendment to special exception requirements for a Restaurant-Class II (fast food) to reduce lot frontage requirements from 200 feet to 140 feet. This text amendment will be referred to the Planning Commission for recommendation.

- I. Award of Council of Governments Annual Cooperative Bid for Rockville for 1,500 tons of road salt to Cargill, Inc. at their low bid price of \$29.57 per ton for a total contract amount of \$44,355. The budget amount for this item is \$45,000. Last year's low bid was \$28.57 per ton from Morton Thiokol, Inc.

Each year, the City buys its road salt through the Council of Governments cooperative bidding process.

Re: Citizens' Forum

At this time, the Mayor Pro Tem opened the meeting to hear from any citizen who wished to address the Mayor and Council.

1. Genie McKay and students from Twinbrook Elementary School presented to the City of Rockville a check in the amount of \$300 for Rockville's Holiday Fund, representing proceeds from the PTA's Secret Santa Shop.

2. Jim Ostell from the Roxboro neighborhood referenced the petition to preserve Bullard's Park and adjacent forest land which was presented to the City on November 21. He indicated that the Planning Commission's proposed recommendations that the park be retained by the homeowners association and protected by a conservation easement were acceptable to the community. Mr. Vitol, Chairman of the Planning Commission, encouraged Mr. Ostell to attend their meeting on Wednesday evening.

Meeting No. 51-89

7

December 18, 1989

3. Garry Elliott, 706 Brent Road, commented on the proposed MPDU ordinance stating that the Roxboro neighbors are in favor of such an ordinance but feel it is inequitable to subject the Chestnut Lodge property development to the requirements of such an ordinance.

4. William Meyer, 804 Leverton Road, thanked the Public Works Department for their assistance in securing the removal of most of the debris from the Nazario construction site at Route 355 and Ritchie Parkway.

Mr. Meyer also addressed enforcement of the snow removal ordinance by Licenses and Inspection staff, noting that there are many slippery areas around town where the snow has not been removed. Councilmember Coyle commented that he had also received a few complaints regarding snow removal.

With respect to the stormwater management fund, Mr. Meyer asked how the funds are utilized, referencing in particular the Cabin John drainage area at the intersection of Cabin John Parkway and Leverton. The City Manager responded that the funds are used for areawide stormwater management projects.

Regarding the report requested on the incident on I-270 last week, Mr. Meyer voiced concern regarding proposed legislation to remove these trucks from the interstate which would necessitate trucks using the local roads.

5. Rev. Mansfield Kaseman, 704 Carter Road, advised that the Salvation Army has been given access to the inside of the shopping malls and that the response of the public to this matter has been very encouraging. Rev. Kaseman also referenced the incident on I-270 last week, noting that a significant number of people are concerned.

There being no other citizens wishing to be heard, the Mayor Pro Tem closed the Citizens' Forum portion of the meeting.

Re: Approval of Minutes

Upon motion of Councilmember Hovsepien, duly seconded and unanimously passed,

Meeting No. 51-89

8

December 18, 1989

the minutes of Meeting No. 49-89 (December 2, 1989) were approved, as written.

Upon motion of Councilmember Hovsepian, duly seconded, with Councilmember Robbins abstaining, the minutes of Meeting No. 50-89 (December 4, 1989) were approved, as amended.

Re: Review of the City Police towing policies and procedures to ensure that City of Rockville towing policies adequately protect citizens from improper tows and towing charges.

The City Manager noted that this action was precipitated by complaints regarding towing company practices from individuals whose vehicles have been towed. He indicated that for the past 25 years, the Rockville City Police Department has utilized private towing companies for towing concerns and that, at present, there are 11 towing companies used on a rotation call-out list. There is no specific law regulating towing rates in Montgomery County or the City of Rockville, but the City Police Department is exploring the concept of contracting for towing services for City police tows. The City Manager concluded by stating that he believes they are doing everything possible.

Councilmember Robbins asked how often the rotation system is used and was advised that it is used with each tow depending upon the equipment. Chief Treschuk advised that of the 10-12 police tows each month, seven to nine are generally abandoned vehicles with the remaining being vehicles blocking someone's driveway.

Councilmember Coyle commented that at the business roundtable meetings, there was discussion regarding a previous arrangement with the City Police and owners of some private lots that the Police would monitor the lots and issue tickets rather than having the vehicles towed. He requested that the City take another look at this type of arrangement. He also asked that a copy of this report be forwarded to the City's Traffic and Transportation Commission for their review.

Re: Approval of Third Amendment to the Cooperation Agreement between the City of Rockville and the Rockville Housing Authority.

This Amendment forgives Payments in Lieu of Taxes (PILOT) for Fiscal Years 88, 89 and 90 and does not require future Payments in Lieu of Taxes until such time as the Housing Authority has assembled operating reserves equal to 25% of its operating budget as approved by the U.S. Department of Housing and Urban Development.

The City Manager noted that this agreement was the product of a significant amount of work between the City staff and Sandra Crewe of the Housing Authority; that it is a long-lasting solution which is recommended by staff.

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, the Third Amendment to the Cooperation Agreement between the City of Rockville and the Rockville Housing Authority was approved.

Re: Adoption of Resolution to endorse the development of a housing facility for the frail elderly to be financed by the Community Development Administration of the State of Maryland.

Resolution No. 37-89

A Resolution of endorsement from the Mayor and Council is required to accompany Victory Housing's application for funds to construct the facility at the St. Raphael's site located at Falls Road and Dunster Road. In response to Councilmember Coyle's question, staff advised that construction should begin in early summer.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Resolution No. 37-89, the full text of which can be found in Resolution Book No. 9 of the Mayor and Council, was adopted to endorse the application of Victory Housing to

Meeting No. 51-89

10

December 18, 1989

construct a housing facility for the frail elderly at the St. Raphael's site.

Re: Adoption of Ordinance to amend Chapter 11, Section 11-1.02 of the "Laws of Rockville," entitled "Traffic, Vehicles and Transportation" so as to define the term "rated-load capacity."

Ordinance No. 32-89

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, Ordinance No. 32-89, the full text of which can be found in Ordinance Book No. 15 of the Mayor and Council, was adopted to amend Chapter 11, Section 11-1.02 of the "Laws of Rockville," entitled "Traffic, Vehicles and Transportation" so as to define rated-load capacity as the rated load capacity of a vehicle as designated by the National Automobile Dealers' Association Used Car Guide. This change will assist staff in determining the need for certain trucks to obtain an oversized vehicle permit for parking in residential zones.

Re: Report on Affirmative Action Plan

The City Manager referenced his six-month report regarding the Affirmative Action Plan, noting that it is available to anyone interested. On April 10, certain implementation strategies and guidelines were agreed to by the Mayor and Council. Although the Mayor and Council were advised at that time that it would take one year to gather the necessary data to develop a viable database, they agreed on a goal for implementation of six months or as soon thereafter as possible.

The City Manager stated that the new employment application which has been in place for six months features a voluntary survey form to ascertain applicant characteristics. Individuals who submit resumes rather than filling out an employment application are also requested to complete the voluntary survey form.

During the past six-month period, 1,687 employment applications were received; this data has been entered into the system and is represented in the reports. During this same period, only 54 positions were advertised, 33 of which were filled from outside sources. Inasmuch as 51% of these vacancies were labor and clerical positions, the data is not representative of the City's overall operation. With two very high positions and several mid-level management positions to be filled in the near future, more representative data will be gathered in the next six months to assist in decisionmaking regarding hiring goals.

Councilmember Marrinan questioned to what extent minority groups have had the opportunity to be involved in the process and was advised that periodic reports are mailed to all interested parties and that, hopefully, the six-month report will prompt more dialogue.

Councilmember Robbins observed that based upon 33 positions being filled during the last six months, 60 out of a total of 360 full-time positions could be expected to be filled during this twelve-month period. He asked if these numbers would yield statistically significant results in order to set policies. The City Manager responded that the data would be sufficient in the sense that it would provide a comfort level which was not heavily skewed away from the higher paid positions. Councilmember Robbins asked for another brief update in three months.

It was agreed that a final report and plan would be forthcoming in six months.

Re: Substance abuse briefing

Chief Treschuk, speaking on behalf of himself and Capt. James Taylor of the Montgomery County Police Department, opened the briefing by providing an overview of police initiatives in the fight against substance abuse in the Lincoln Park, David Scull and Maryvale neighborhoods. The Lincoln Park substation continues to be staffed by the County Police Department Tuesdays through Saturdays and by the City Police Department on Sundays and Mondays. Chief Treschuk noted some observations of trends over the past

Meeting No. 51-89

12

December 18, 1989

year including the following:

- o The majority of drug sales appear to be between people who have family ties and/or friends within the community.
- o The drug dealers are both residents of the community and outsiders. Many out-of-town dealers hire local residents to operate their drug trade.
- o Daytime drug activity has increased due to the heavy police presence during the evening hours.
- o The drug traffickers that used to try to do business directly at the Lincoln Park Recreation Center have moved out into the streets and the cemetery area.

He also stated that the following initiatives have had a direct impact upon the drug trafficking:

- o Strict enforcement of all laws, including Rockville City Park regulations.
- o The issuance of trespass letters by the Rockville Housing Authority and Johnny's Grocery to offenders arrested on their property.
- o A positive and extremely effective working relationship between the Montgomery County Police Department Special Assignment Unit, Montgomery County Police Department shift eight assigned to Lincoln Park, Rockville City Police Department and the Municipal Drug Task Force. This working relationship offers a very effective exchange of information, cooperative arrest and seizure initiatives and the flexibility to work unique schedules.
- o The assignment of a Rockville City Police officer to the David Scull/Lincoln Park Community Action Team and the development of Crime Watch programs both in David Scull and Lincoln Park. This officer is involved

in the community as a service liaison. His duties include attendance at the C.A.T. meetings, supplying crime news information for the Rockville Housing Authority Newsletter, supplying a wide array of educational pamphlets for dissemination and acting as a ready resource of information to the community.

- o The funding and placement of the wrought iron fence at the Lincoln Park Recreation Center has effectively eradicated drug activity in the center parking lot and has been a positive deterrent to drug sales to the rear of Johnny's Grocery.
- o The complete and absolute cooperation of the Housing Authority and the management of Rocklin Apartments has also greatly assisted in the recognition of "hot spot" areas and a reduction in open drug activity.
- o The willingness of the City Recreation and Parks Department to quickly respond to requests such as light repair and tightening of security measures at the Recreation Center.

The following were mentioned as future police initiatives:

- o A continued review and analysis by Montgomery County and Rockville City police administrators as to the most effective ways to provide continued police presence in the Lincoln Park, David Scull and Maryvale neighborhoods.
- o Continued involvement in the establishment of Neighborhood Crime Watch Programs.
- o Continued involvement and enhancement to the neighborhood policing concept. Both the County and City Police Departments are committed to this approach of policing in the City of Rockville.
- o Continued involvement in the educational and awareness programs such as

Meeting No. 51-89

14

December 18, 1989

D.A.R.E., Officer Friendly and "Just Say No."

- o Continued involvement in the holistic approach to the drug initiative. Enforcement of drug laws alone is not enough. The County and City police agencies, along with the City's Departments of Community Services and Recreation and Parks, must have a partnership with the neighborhoods.

Josephine Roberts, Director of the Department of Community Services, highlighted some of her department's strategies:

- o The Youth Services Division is involved with community action teams in four area high schools: Richard Montgomery, Wootton, Rockville and Mark Twain.
- o Their counselors are active on four separate student support groups, a number of drug and alcohol abuse prevention projects and in many of the feeder schools which include pre-adolescents.

In order to respond to the increase in drug-related cases, the Department of Community Services is:

- o Continuing its full-time Community Specialist position at the Lincoln Park Community Center;
- o Conducting drug awareness in-service training;
- o Providing AIDS education leadership seminar for staff, addressing the spread of AIDS through intravenous drug use;
- o Continuing to develop techniques for staff at the Lincoln Park Community Center to deliver self-esteem building programs to their youth participants;
- o Providing full-time staff support to the C.A.T. which meets weekly;
- o Expanding C.A.T. to a second site in Lincoln Park;
- o Involving Rockville Housing Authority in the City's drug awareness staff

training;

- o Participating in Rockville Housing Authority drug awareness programs;
and
- o Addressing the problem of substance abusers in shelters.

Sandra Crewe, Executive Director of the Rockville Housing Authority, shared some comments she has received from residents regarding police security in their development. These comments indicate a diverse opinion as to the effectiveness of police protection. Ms. Crewe noted that increased police enforcement in matters such as loitering and trespassing is necessary; however, they have a safer neighborhood than two years ago. The importance of reeducating staff regarding the current problems of drug addiction was emphasized.

Ardell Shirley of the Lincoln Park Civic Association expressed concern that there should be one designated contact person to provide up-to-date information regarding the drug efforts in the community. While she noted that the community still has a serious drug problem, the positive initiatives have helped. Ms. Shirley emphasized that the community needs ongoing dialogue.

Melvin Hall, a member of the Community Action Team espoused the acronym CCAT, "Concerned Citizens Acting Together." He stated that the dealers are moving from one area to another and that the community would keep working until they move out altogether. Some of the "TAD, Teens Against Drugs" were also present and discussed their efforts.

Carl Estep, a Lincoln Park resident of 13 years, noted that police visibility has made some difference but that there is still a serious problem. He stated that he sought to designate the community center a "drug free zone" but was told that such designations were limited to school sites.

Elizabeth Scott, resident manager of the Rocklin Park apartments on Lenmore Avenue, thanked the City of Rockville police for responding to calls the tenants have

Meeting No. 51-89

16

December 18, 1989

made. She asked that the City increase its manpower, especially with foot patrols.

Rev. Kaseman of Community Ministries complimented everyone on the continuing level of cooperation and reported on the efforts of the Interfaith Coalition on Substance Abuse. He also mentioned President Bush's identification of drunk driving as a national crisis.

Rev. Cross of the Clinton A.M.E. Zion Church commented on the efforts of the Black Ministers of Montgomery County to impact positively the young men in Lincoln Park.

With respect to the comments regarding a focal point of information, Councilmember Marrinan asked what recommendations the City will make. The City Manager responded that staff will follow-up immediately as to how to address this issue. In response to Councilmember Marrinan's question regarding efforts to be undertaken for ongoing staff training, Mr. Romer stated that staff would look into this issue as well.

Anita Summerour of the Lincoln Park community suggested that the Mayor and Council explore medical research to treat addiction and that they enact a no-loitering ordinance. She also asked that Israel Park be included in the Recreation Department's spring schedule for practices and games.

Discussion then followed regarding the viability of an anti-loitering ordinance. Both Chief Treschuk and the City Attorney noted that such an ordinance would breach an individual's right to freedom of assembly but that they would work together to develop some measures to deal with the loitering problem. Regarding the imposition of a curfew in the Lincoln Park community, the City Attorney advised that such an act would be appropriate only in a very severe, emergency situation.

Regarding designation of the Lincoln Park community center as a "drug free school zone," Chief Treschuk stated that he would follow-up with the State's Attorney. He noted that the state law is very specific, mandating severe penalties for distribution of drugs within 1,000 feet of the signs.

Meeting No. 51-89

17

December 18, 1989

Councilmember Hovsepian commended Rev. Cross and the Black Ministers of Montgomery County for their efforts in dealing with the drug problem.

Councilmember Coyle commented on what resources are needed to cope with the changing drug problem and an action plan for what support the City can provide to keep the process going.

In response to Councilmember Robbins' question regarding the plan for future allocation of manpower in Lincoln Park, Chief Treschuk stated that there will not be a lot of change at this time but that they are making a concerted effort in the area of new initiatives.

Re: FYI/Correspondence

Councilmember Hovsepian noted the letter of appreciation to Bob Goodin and Bob Malone regarding leaf removal and the letter to Chief Treschuk commending the efforts of Sgt. Waldt, Sgt. Potter and Officer Brian Paul.

Regarding the White Flint Mall's use of the Mansion for photographs for its brochure, Councilmember Marrinan asked if the City received some form of compensation. The City Manager responded that they rented the property as any other tenant but that recognition of the site used and the photo of the Mansion on the back cover were taken into consideration as part of the rental price.

Councilmember Robbins asked the City Manager for further details regarding the delay in the repairs of the Scott Drive bridge.

Councilmember Coyle commended staff on the Lithographic Printer Training Program.

Re: New Business

Resolution No. 38-89

Mayor Pro Tem Coyle read a resolution of the Mayor and Council condemning acts of racial hatred and violence, in particular the incident which occurred at Waters

Meeting No. 51-89

18

December 18, 1989

Caterers. Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, Resolution No. 38-89, the full text of which can be found in Resolution Book No. 9 of the Mayor and Council, was adopted to request that the Human Rights Commission follow-up with appropriate County agencies regarding the incident which occurred at Waters Caterers on December 3, 1989.

Re: Executive session

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the Mayor and Council convened in Executive Session at 10:50 p.m. to discuss personnel and property disposition matters.

Re: Adjournment

There being no further business to come before the Mayor and Council, the meeting was adjourned at 11:55 p.m., to convene again in General Session at 7:30 p.m. on January 8, 1990, or at the call of the Mayor.